

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 557

Introduced by Senators Battin and Ducheny
(Coauthors: Assembly Members Benoit and Bogh)

February 18, 2005

An act to add Section 10062 of the Public Utilities Code, relating to municipal utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 557, as amended, Battin. Utilities owned by municipal corporations: waste water treatment plants.

Existing law authorizes any municipal corporation to acquire, construct, own, operate, or lease any public utility, as defined, and authorizes a municipal corporation to sell or dispose of any public utility it owns. Existing law requires that a resolution authorizing the sale of a public utility be passed by $\frac{2}{3}$ of the members of the legislative body of the municipal corporation and be passed by a $\frac{2}{3}$ vote of all voters voting at an election to authorize the sale in the ordinance calling the election.

This bill would, notwithstanding these provisions, authorize, until January 1, 2010, the City of Palm Springs to sell a facility for the control of the quantity, quality, or flow of waste water *to the Desert Water Agency*, if the legislative body of the city finds the public interest and convenience require the sale and adopts a resolution of its findings and intention to sell the facility.

The bill would declare that, due to the special circumstances applicable only to the City of Palm Springs, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10062 is added to the Public Utilities
2 Code, to read:
3 10062. (a) Notwithstanding any other provision of this
4 division, the City of Palm Springs may sell a facility for the
5 control of the quantity, quality, or flow of waste water *to the*
6 *Desert Water Agency*, if the legislative body of the city finds that
7 the public interest and convenience require the sale and adopts a
8 resolution of its findings and intention to sell the facility.
9 (b) This section shall remain in effect only until January 1,
10 2010, and as of that date is repealed, unless a later enacted
11 statute, that is enacted before January 1, 2010, deletes or extends
12 that date.
13 SEC. 2. The Legislature finds and declares that, because of
14 the unique circumstances applicable only to the City of Palm
15 Springs, a statute of general applicability cannot be enacted
16 within the meaning of subdivision (b) of Section 16 of Article IV
17 of the California Constitution. The City of Palm Springs owns a
18 facility for the control of waste water that the city council now
19 finds is not in the public interest to own and operate. The City of
20 Palm Springs desires to sell the facility and the city charter limits
21 the sale of the facility to another existing governmental entity
22 that is governed by a body in which a majority of electors are
23 voters of the City of Palm Springs. *The City of Palm Springs and*
24 *the Desert Water Agency have negotiated a tentative agreement*
25 *to transfer the facility, including a price that reflects a fair and*
26 *reasonable appraisal.* In order to authorize the sale of the facility
27 in the most efficient and effective manner to an entity authorized
28 by the city charter to purchase the facility, this special statute is
29 necessary.

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